

1 *SEC. 561. None of the funds made available in this*
2 *Act may be used to implement, carry out, administer, or*
3 *enforce section 1308(h) of the National Flood Insurance Act*
4 *of 1968 (42 U.S.C. 4015 (h)).*

5 *SEC. 562. In administering the funds made available*
6 *to address any major disaster declared on or after August*
7 *27, 2011, the Administrator of the Federal Emergency Man-*
8 *agement Agency shall establish a pilot program for the relo-*
9 *cation of State facilities under section 406 of the Robert*
10 *T. Stafford Disaster Relief and Emergency Assistance Act*
11 *(42 U.S.C. 5172), under which the Administrator may*
12 *waive, or specify alternative requirements for, any regula-*
13 *tion the Administrator administers to provide assistance,*
14 *consistent with the National Environmental Policy Act of*
15 *1969 (42 U.S.C. 4321 et seq.), for the permanent relocation*
16 *of State facilities, including administrative office buildings,*
17 *medical facilities, laboratories, and related operating infra-*
18 *structure (including heat, sewage, mechanical, electrical,*
19 *and plumbing), that were significantly damaged as a result*
20 *of the major disaster, are subject to flood risk, and are other-*
21 *wise eligible for repair, restoration, reconstruction, or re-*
22 *placement under section 406 of that Act, if the Adminis-*
23 *trator determines that such relocation is practicable, and*
24 *will be cost effective or more appropriate than repairing,*
25 *restoring, reconstructing, or replacing the facility in its*

sions on recovery assistance in a timely fashion, often with limited information in a chaotic post-disaster environment. However, the Committee is concerned that the OIG execution of their role and a lack of clarity and consistency in FEMA policy and program execution are adversely affecting some Public Assistance applicants. In June 2012, OIG recommended that a grantee repay a Federal grant already awarded and obligated when it determined that FEMA incorrectly applied its regulations and policies for a disaster that occurred in June 2008. FEMA argued that deobligation of the project was not warranted since the evidence of substantial damage as a result of the disaster supported Federal assistance for the community's recovery. The unresolved matter was sent to the DHS Under Secretary for Management for final adjudication. The determination was the grantee did not have to repay the Federal grant since disaster damage warranted assistance. The Committee is concerned that the OIG Office of Emergency Management Oversight focus on "after the fact" reviews is not efficiently placed to prevent obligation of misused Federal funds and therefore causes unnecessary disruption for recovering communities by recommending deobligation several years afterwards.

The Committee is mindful that the OIG review of disaster obligations is often several years after a disaster and the impact of the findings can have a severe effect on a community that has already obligated funding to specific projects with FEMA's approval in an effort to recover. While it is imperative for FEMA policies and rules to be transparent; reasonably flexible to accommodate various recovery scenarios; and consistently applied, where appropriate; the sheer volume of OIG recommendations may challenge FEMA's capacity to execute meaningful and responsive policy changes. FEMA has concurred with a separate OIG finding that the Agency needs a significant review and revision of certain policies and methods of implementing rules and is currently undergoing a process to do so. The Committee expects this process to continue without delay. Further, the Committee expects FEMA and the OIG to partner fully in this process.

The Administrator and the Inspector General are directed to provide a report to the Committee, no later than 120 days after the date of enactment of this act, outlining improvements that will be made by both OIG and FEMA to better implement disaster recovery programs and guard against waste, fraud, and abuse.

FLOOD HAZARD MAPPING AND RISK ANALYSIS

Appropriations, 2013 ¹	\$95,203,000
Budget estimate, 2014	84,361,000
House allowance	95,202,000
Committee recommendation	95,203,000

¹ Does not reflect the March 1, 2013, sequester of funds under Public Law 112-25.

This appropriation supports the functions necessary to develop, and keep current, flood risk information and flood maps. The flood maps are used to determine appropriate risk-based premium rates for the National Flood Insurance Program, to complete flood hazard determinations required of the Nation's lending institutions, and to develop appropriate disaster response plans for Federal, State, and local emergency management personnel.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$95,203,000 for Flood Hazard Mapping and Risk Analysis, \$10,842,000 above the amount requested and the same amount as provided in fiscal year 2013. To date, only 58 percent of flood maps have been updated with the most current data.

Maintaining the Nation's flood maps is an important task to ensure citizens know their risk and communities can make wise decisions about mitigation activities. It is critical that FEMA continue to work with the Army Corps of Engineers and the Technical Mapping Advisory Council to ensure the highest quality data and information is included in digital maps that are reliable and useful. The Committee notes FEMA's recent release of the Levee Analysis and Mapping Procedures for Non-Accredited Levees [LAMP] and the ongoing establishment of pilot projects in areas throughout the country to account for flood protection that may not be reflected on current flood maps. FEMA is directed to continue working with communities on the best way to reflect infrastructure that provides varying levels of mitigation against flooding on flood maps.

On March 20, 2013, the National Academy of Sciences issued a report on "Levees and the National Flood Insurance Program: Improving Policies and Practices" commissioned by FEMA. The study concluded "at this time there is no sound reason to extend the mandatory purchase requirement—which requires property owners with a federally backed mortgage located in the 100-year floodplain to purchase flood insurance—to areas behind accredited levees." The Committee notes the study recommended that FEMA develop modern flood risk analysis tools, but that the study did not analyze the cost of acquiring such tools. The Administrator is directed to provide, within a year of the date of enactment of this act, an initial assessment of the projected timeline and potential cost of acquiring the modern flood risk analysis tools referenced in this study.

The Committee directs the United States Army Corps of Engineers [USACE] and the DHS to ensure the plain language of the levee accreditation provisions of the Biggert-Waters Flood Insurance Reform and Modernization Act are met. The Committee expects a July 2013 delivery of the Flood Protection Structure Accreditation Task Force report that was required by the Biggert-Waters Flood Insurance Reform and Modernization Act.

NATIONAL FLOOD INSURANCE FUND

Appropriations, 2013 ^{1 2}	\$171,000,000
Budget estimate, 2014 ²	176,300,000
House allowance ²	176,300,000
Committee recommendation ²	176,300,000

¹ Does not reflect the March 1, 2013, sequester of funds under Public Law 112–25.

² Fully offset by fee collection.

The National Flood Insurance Fund is a fee-generated fund which provides funding for the National Flood Insurance Program. This program enables property owners to purchase flood insurance otherwise unavailable in the commercial market. The National Flood Insurance Act of 1968 authorizes the Federal Government to provide flood insurance on a national basis. This insurance is avail-

able to communities which enact and enforce appropriate floodplain management measures and covers virtually all types of buildings and their contents up to \$350,000 for residential types and \$1,000,000 for all other types.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$176,300,000, as proposed in the budget, for the National Flood Insurance Fund, of which \$40,000,000 is for expenses under section 1366 of the National Flood Insurance Act (42 U.S.C. 4104c) to provide assistance planning to States and communities for implementing floodplain management measures to reduce or eliminate the long-term risk of flood damage to buildings and other structures eligible for insurance under the National Flood Insurance Program.

The Committee directs the Administrator of the National Flood Insurance Program to develop procedures within 180 days of the date of enactment of this act to provide information to policyholders related to the Community Rating System, including their community's participation status and score under the program. This information is to be provided to policyholders not less than one time each year as an enclosure with their annual policy statement and should also be made easily available to policyholders online.

The Committee is extremely disappointed that FEMA has still not completed the affordability study and report required by section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141) and has consequently failed to meet the statutory deadline established by Congress. The Administrator is directed to dedicate sufficient resources to expedite their completion and submission.

The Committee is aware that FEMA is in the process of producing a comprehensive Environmental Impact Statement for the National Flood Insurance Program. The Committee directs FEMA to ensure that it proactively solicits and considers input from those parties potentially affected by this process.

NATIONAL PREDISASTER MITIGATION FUND

Appropriations, 2013 ¹	\$24,967,000
Budget estimate, 2014	
House allowance	30,155,000
Committee recommendation	25,000,000

¹ Does not reflect the March 1, 2013, sequester of funds under Public Law 112-25.

The National Predisaster Mitigation [PDM] Fund provides grants to States, communities, territories, and Indian tribal governments for hazard mitigation planning and implementing mitigation projects prior to a disaster event. PDM grants are awarded on a competitive basis. This program operates independent of the Hazard Mitigation Grant Program, funded through the Disaster Relief Fund, which provides grants to a State in which a disaster has been declared.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$25,000,000 for PDM, \$25,000,000 above the amount requested and \$33,000 above the amount pro-

Management to submit a multiyear investment and management plan for all information technology programs and procurements.

Section 552. The bill includes language stating that the Secretary shall ensure enforcement of all immigration laws.

Section 553. The bill includes a provision regarding Federal network security.

Section 554. The bill includes a provision regarding restrictions on electronic access to pornography, except for law enforcement purposes.

Section 555. The bill includes a provision requested authorizing CBP to enter into not more than five reimbursable fee agreements for the provision of CBP services and any other costs incurred by CBP relating to such services. Current statutory limitations on CBP's authority to receive outside funding, except in narrowly defined instances, have prevented CBP from receiving reimbursement from private sector and international, State, and local partners. Only payment of overtime can be reimbursed at air facilities. No authority in this section can be used to provide CBP services outside of the United States. Funds collected pursuant to this section shall be deposited as offsetting collections and remain available until expended, without fiscal year limitation. They can be used to pay for any expenses incurred by CBP in providing CBP services and any other costs incurred by CBP relating to such services.

The Committee expects this provision to be used on a limited basis, noting that when it is exercised, CBP should deduct user fees collected from the total amount charged for services so not to be compensated twice per inspection. CBP shall notify the relevant Committees 15 days before entering into such agreement and shall provide semiannual reports to the Committees on Appropriations on each request received, the reasons for its approval or denial, the anticipated and actual revenue received, and the service provided, including number of CBP officers funded. Language is included prohibiting the CBP Commissioner from entering into an agreement if it would negatively impact or alter services at an existing facility.

Section 556. The bill includes a provision regarding the transfer of an operable firearm by a Federal law enforcement officer to an agent of a drug cartel.

Section 557. The bill includes a provision prohibiting any funds from this or any other Act to be used for creation of the National Preparedness Grant Program or any successor grant program unless explicitly authorized by Congress.

Section 558. The bill includes a provision prohibiting funds made available by this act to reimburse any Federal department or agency for its participation in a NSSE.

Section 559. The bill includes language regarding the number of employees permitted to attend international conferences.

Section 560. The bill includes a provision requiring the Secretary to submit annual reports to the DHS OIG on costs and contract procedures related to conferences costing in excess of \$100,000. In addition, the OIG shall be notified within 15 days after the date of the conference being held for which the costs exceed \$20,000.

Section 561. A provision is included related to section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015 (h)).